

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KYLE VOGT,  
Plaintiff,

v.

RAYTHEL FISHER,  
Defendant.

Case No. [20-cv-03130-EMC](#)

**ORDER DENYING PETITIONER'S  
REQUEST FOR CERTIFICATE OF  
APPEALABILITY**

Docket No. 41

Petitioner Kyle Vogt filed a petition in this Court seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 23, 2022, this Court dismissed Petitioner's request. *See* Docket No. 36. Petitioner subsequently filed a Notice of Appeal to the Ninth Circuit Court of Appeals, but did not include a request for a certificate of appealability pursuant to 28 U.S.C. § 2253. *See* Docket No. 39. On June 2, 2022, the Ninth Circuit ordered this Court to determine whether a certificate of appealability should issue pursuant to 28 U.S.C. § 2253(c). *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997) ("Upon the filing of a notice of appeal and a request for a certificate of appealability, the district court shall indicate which specific issue or issues satisfy the standard for issuing a certificate, or state its reasons why a certificate should not be granted.").

///

///

///

///

///

///

1 The certificate of appealability is **DENIED** because this is not a case in which “reasonable  
2 jurists would find the district court’s assessment of the constitutional claims debatable or wrong.”  
3 *Slack v. McDaniel*, 520 U.S. 473, 484 (2000).

4 The Clerk shall forward this order to the Court of Appeals for the Ninth Circuit.

5  
6 **IT IS SO ORDERED.**

7  
8 Dated: June 3, 2022

9  
10   
11 EDWARD M. CHEN  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California